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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
NATHANIEL OPONDO HUBBERT,  
  
Defendant.

CASE NO. 2:20-CR-00123-JAM-2

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER

DATE: January 26, 2021  
TIME: 9:30 a.m.  
COURT: Hon. John A. Mendez

**STIPULATION**

1. By previous order, this matter was set for a status conference on January 26, 2021.
2. By this stipulation, Counsel for Mr. Hubbert now moves to continue the status conference until March 23, 2021, and to exclude time between January 26, 2021, and March 23, 2021, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The government has represented that the discovery associated with this case includes over eight gigabytes of evidence in electronic form, including police reports, pictures, multiple hours of video footage, laboratory reports, search warrants, a forensic cellular phone report, and criminal history documents. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.
  - b) Counsel for Mr. Hubbert desires additional time to consult with her client, review

1 the existing discovery, conduct further review of her client's criminal history, discuss potential  
2 resolutions with her client, and otherwise prepare for trial.

3 c) Counsel for Mr. Hubbert believes that failure to grant the above-requested  
4 continuance would deny her the reasonable time necessary for effective preparation, taking into  
5 account the exercise of due diligence.

6 d) The government does not object to the continuance.

7 e) Based on the above-stated findings, the ends of justice served by continuing the  
8 case as requested outweigh the interest of the public and the defendant in a trial within the  
9 original date prescribed by the Speedy Trial Act.

10 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
11 et seq., within which trial must commence, the time period of January 26, 2021 to March 23,  
12 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
13 T4] because it results from a continuance granted by the Court at defendant's request on the basis  
14 of the Court's finding that the ends of justice served by taking such action outweigh the best  
15 interest of the public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: January 22, 2021

McGREGOR W. SCOTT  
United States Attorney

/s/ ADRIAN T. KINSELLA  
ADRIAN T. KINSELLA  
Assistant United States Attorney

Dated: January 22, 2021

/s/ KRESTA DALY  
KRESTA DALY  
Counsel for Defendant  
NATHANIEL OPONDO HUBBERT

#### FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED this 22<sup>nd</sup> day of January, 2021.

/s/ John A. Mendez  
THE HONORABLE JOHN A. MENDEZ  
UNITED STATES DISTRICT COURT JUDGE